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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,291	12/30/1999	CRAIG S. RANTA	MICR0230	7623

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EXAMINER

CHUNG, JASON J

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 09/12/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/476,291

Applicant(s)

RANTA, CRAIG S.

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/1/2003 has been entered.

Applicant's arguments with respect to claims 1-29, 31 have been considered but are moot in view of the new ground(s) of rejection as necessitated by amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-27, 29, 31 rejected under 35 U.S.C. 103(a) as being unpatentable over William (US Patent # 6,075,971) in view of Mankovitz (US Patent # 5,523,794) in view of Small (US Patent # 5,808,689) in further view of Terrill (US Patent # 6,052,755).

Regarding claim 1, Williams discloses the entertainment preferences of network users of a network are observed and recorded by the client for determining a target audience to which coupons are delivered and the users may disclose various preferences as part of registering with the network and the profiles are compiled and generated (column 5, line 63-column 6, line 12).

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Williams continues by disclosing the preferences that the user sets include sports, activities, television programming, etc. (column 6, lines 13-24), which meets the limitation on at least one control key configured to selectively respond to actuation by a user and the limitation of enabling a user to selectively manipulate the at least one control key to select a setup mode prior to the transmission session and the controller responding to the selection of the setup mode by causing a menu including a plurality of different coupon categories to be presented to the user on the display.

Williams discloses that the servers provide coupons may broadcast coupons over the network and the coupons are filtered based on preference profiles compiled by the client to be redeemed by the user (column 6, lines 49-56), which meets the limitation on enabling the user to manipulate the control key to select at least one of the different coupon categories and the limitation on automatically analyzing the extracted coupon data produced by the decoder such that only coupons defined by the extracted coupon data that correspond to the at least one of the different coupon categories selected by the user in the setup mode are automatically stored in the non-volatile memory and each coupon defined by the extracted coupon data that does not correspond to the at least one of the different coupon categories by the user are automatically discarded. As disclosed, William discloses transmitting a plurality of coupons.

Williams discloses that the coupons may be delivered by the VBI and/or cable broadcast, or by UHF, and/or VHF (column 6, lines 66-67). Williams fails to disclose the decoder and the controller. Mankovitz discloses electronic coupon data is transmitted in the VBI of a television signal (column 5, lines 26-50). Mankovitz discloses encoded data is extracted from the VBI using a VBI decoder (column 2, lines 24-39), which meets the limitation on a decoder configured

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to receive a video signal during transmission session and to extract coupon data from the video signal producing extracted coupon data.

Mankovitz discloses electronic coupon information is displayed (column 5, lines 46-56), which meets the limitation on a displayed that displays coupons defined by the extracted coupon data.

Mankovitz discloses a microprocessor 35 (controller) (figure 2) that is coupled to RAM (storage) 36 and a liquid crystal display (column 4, lines 13-28), which meets the limitation on a controller being coupled to the storage and a display.

Additionally, Mankovitz discloses the read key that lets the user decide what they want to do with the data (column 3, line 63-column 4, line 7). Mankovitz discloses the read key lets the user determine, whether to save the coupon for later redemption (column 5, line 57-column 6, line 5), which meets the limitation on the setup mode. Mankovitz discloses the save key being pressed, the coupon data is saved for later redemption (column 5, line 57-column 6, line 5). Mankovitz discloses the shift key or predetermined keystrokes may be used to redeem the coupons (column 5, lines 41-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to have a decoder and controller as taught by Mankovitz in order to strip the data from the VBI of the television signal.

As previously disclosed, both Williams and Mankovitz discloses the coupon data is transmitted in the VBI of a television signal. Neither Williams nor Mankovitz discloses the coupon data in the horizontal overscan. Small discloses transmitting data in the horizontal overscan portion of a television signal to avoid interfering with the blanking intervals in order to

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avoid 60-cycle hum problems (column 3, lines 34-57 and column 5, lines 24-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams in view of Mankovitz to have the data in the horizontal overscan instead of the VBI as taught by Small in order to avoid interfering with the closed captioning signal.

As previously disclosed, Mankovitz discloses the coupons are stored in a RAM (volatile memory) (column 4, lines 12-18 and column 4, lines 35-53). Neither Williams, Mankovitz, nor Small discloses a non volatile memory. Terrill discloses a RAM, ROM, magnetic **and/or** optical media and the like are interchangeable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mankovitz to have a ROM (non volatile memory) or any other type of memory instead of a RAM as taught by Terrill in order to give more system versatility.

Regarding claim 2, Mankovitz discloses the controller can be connected to the electronic coupon via a hard wire 18, 20 or IR emitter (column 3, lines 44-62 and column 6, lines 53-58). Mankovitz discloses the decoder 50 is part of the controller (column 6, lines 30-39), which meets the limitation on the decoder that is an integrated part of the electronic coupon.

Regarding claim 3, Mankovitz discloses the portable data coupon includes a display (column 3, lines 63-65). Mankovitz discloses the display is a LCD (column 4, lines 18-27).

Regarding claims 4-5, Mankovitz discloses the coupon is displayed as an UPC code (column 8, lines 10-23). Mankovitz discloses the coupon is called up in an UPC code and it is scanned at a cash register (column 8, lines 23-41), which meets the limitation on the UPC being read by a bar code scanner.

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Regarding claim 6, as disclosed in claim 1 rejection, Williams, Mankovitz, and Small discloses television broadcast.

Regarding claim 7, Mankovitz discloses the television broadcast comprises commercials (column 5, lines 26-35).

Regarding claim 8, Mankovitz discloses the decoder used in a VCR to perform the functions (column 6, lines 18-28 and column 7, lines 5-12), which meets the limitation on transmission comprises a playback of a video taped program.

Regarding claims 9-10, Additionally, Mankovitz discloses the read key that lets the user decide what they want to do with the data (column 3, line 63-column 4, line 7), which meets the limitation on the setup mode key. Mankovitz discloses the save key being pressed, the coupon data is saved for later redemption (column 5, line 57-column 6, line 5). Mankovitz discloses the shift key or predetermined key strokes may be used to redeem the coupons (column 5, lines 41-55). As just disclosed, Mankovitz discloses a mode key that allows the user to save and redeem the coupon. Mankovitz discloses a coupon is displayed to the user (column 5, lines 26-56). Mankovitz discloses the coupons are called to the display when the user is making purchases (column 8, lines 24-40), which meets the limitation on displaying a menu of each of the coupons. Williams meet the limitation on the storing the selected coupon that corresponds to the category in claim 1 rejection.

Regarding claims 11-12, Terrill discloses a RAM, ROM (electrical circuit), magnetic **and/or** optical media and the like are interchangeable.

Regarding claims 13-19 the limitations in claims 13-19 have been met in claims 1, 6, 8-10 rejections.

Regarding claims 20-21, the limitations in claims 20-21 have been met in claims 4-5 rejections.

Regarding claims 22-23, the limitations in claims 22-23 have been met in claims 11-12 rejections.

Regarding claim 24, 26, 27, 29, 31 the limitations in claims 24, 26, 27, 29, 31 have been met in claims 1, 9 rejections.

Regarding claim 25, the limitations in claim 25 have been met in claim 11 rejection.

3. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz in view of Small.

Mankovitz discloses the portable coupon data 10 can join the controller 12 (figure 1) with connectors 18, 20 or with a wireless interface (column 3, lines 44-62). The combination of the portable coupon data 10 and the controller 12 reads on the electronic coupon. Mankovitz discloses coupon data is transmitted in the VBI of a television signal (column 5, lines 26-50). Mankovitz discloses encoded data is extracted from the VBI using a VBI decoder (column 2, lines 24-39), which meets the limitation on providing an electronic coupon including a decoder configured to extract coupon data from the video signal and the limitation on extracting coupon data from the video signal using the decoder in the electronic coupon.

Mankovitz discloses the read key that lets the user decide what they want to do with the data (column 3, line 63-column 4, line 7). Mankovitz discloses the read key lets the user determine, whether to save the coupon for later redemption (column 5, line 57-column 6, line 5). Mankovitz discloses the save key being pressed, the coupon data is saved for later redemption

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(column 5, line 57-column 6, line 5), which meets the limitation on storing the coupon data extracted by the decoder in the electronic coupon.

As previously disclosed, Mankovitz discloses the coupon data is transmitted in the VBI of a television signal. Mankovitz fails to disclose the coupon data in the horizontal overscan. Small discloses transmitting data in the horizontal overscan portion of a television signal to avoid interfering with the blanking intervals in order to avoid 60-cycle hum (column 3, lines 34-57 and column 5, lines 24-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mankovitz to have the data in the horizontal overscan instead of the VBI as taught by Small in order to avoid interfering with the closed captioning signal.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

JJC


CHRIS GRANT
PRIMARY EXAMINER